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October 25, 2005

VIA HAND DELIVERY

Mr. Charles L. A. Terreni
Chief Clerk and Administrator
Public Service Commission of SC
100 Executive Center, Suite 100
Columbia, South Carolina 29210

RECEIVED
2005 OCT 25 PM 3:02
SC PUBLIC SERVICE
COMMISSION

Re: Generic Proceeding to Explore a Forman Request for Proposal for Utilities that are Considering
Alternatives for Adding Generating Capacity
Docket No.: 2005-191-E
HSB File No.: 04381.226

Dear Mr. Melchers:

Enclosed for filing is an original and ten (10) copies of the MOTION TO LIMIT CROSS EXAMINATION in the above-referenced matter. We will respectfully request that the Commission rule on this motion at the onset of the hearing tomorrow.

Please be kind enough to return a clocked copy of the document via the bearer of this letter.

Thank you for your consideration of this matter.

Sincerely,



Belton T. Zeigler

BTZ/abm

enclosures

cc: Patricia B. Morrison, Esquire
Darra W. Cothran, Esquire
Frank R. Ellerbe, III, Esquire
Len S. Anthony, Esquire
Kendal Bowman, Esquire
Scott A. Elliott, Esquire
Shannon B. Hudson, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-191-E

IN RE:

Generic Proceeding to Explore)
A Formal Request for Proposal)
For Utilities that are Considering)
Alternatives for Adding)
Generating Capacity)

**MOTION TO LIMIT CROSS
EXAMINATION**

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COMMISSION

Please take notice that South Carolina Electric & Gas Co. ("SCE&G") hereby moves pursuant to S.C. Reg. 103-840 for an order from this Commission limiting the questioning of witnesses in this proceeding to questions from the Commissioners.

The instant docket was opened by a "Notice of Generic Proceeding and Notice of Hearing," (the "Notice") issued by the Commission on July 14, 2005. As indicated by the Commission in the Notice, the purpose of the docket is, "to examine the issue of competitive bidding for the procurement of additional capacity . . . [and] to gather an array of options and opinions concerning a competitive bidding process."


As indicated in the Notice, this proceeding is not a rulemaking proceeding, but a generic proceeding to determine if a subsequent rulemaking proceeding is required. Thus, parties to this proceeding do not have a legal right to cross examination because this proceeding is not a contested case under the South Carolina Administrative Procedures Act, S.C. Code Ann. §§ 1-23-100(2005) *et seq.* A contested case would exist only if the docket involved "the legal rights, duties, or privileges of a party [that] are required by law to be determined by an agency after an opportunity for hearing." S.C. Code Ann. § 1-23-310(3)(2005). A generic proceeding is not such a matter.

Judicial economy supports the granting of this motion. There are six parties to the proceeding. Eleven separate sets of direct or reply testimony from nine witnesses have been filed in this docket. The testimony filed to date presents the full range of opinions of the parties concerning the issues at hand. The parties have filed a substantial body of reply testimony that specifically challenges the direct testimony of adverse witnesses on the points where the parties disagree. In the context of this docket, and in light of its limited purpose as a generic proceeding, cross examination is not required and would not serve a substantial purpose.

In the interest of judicial economy, and in light of the fact that the Commission has only allocated one day for the hearing in this matter, SCE&G would respectfully request that the Commission receive all the direct and reply testimony of the parties subject to relevancy or other procedural objections, but limit examination of witnesses at the hearing to questions from the Commission.

HAYNSWORTH SINKLER BOYD, P.A.

By:


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ATTORNEYS FOR SOUTH CAROLINA ELECTRIC
AND GAS COMPANY

Columbia, South Carolina
This 25th day of October , 2005.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-191-E

IN RE:

Generic Proceeding to Explore)	CERTIFICATE OF SERVICE
A Formal Request for Proposal)	
For Utilities that are Considering)	
Alternatives for Adding)	
Generating Capacity)	

I hereby certify that on October 25, 2005, a copy of the MOTION TO LIMIT CROSS EXAMINATION was served on the parties listed below by sending a copy via electronic mail and U. S. mail at the addresses below:

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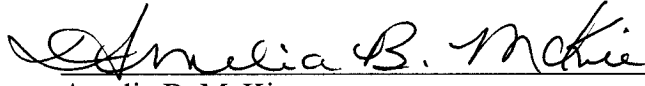
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Amelia B. McKie

Columbia, South Carolina

October 25, 2005.